

REMARKS

Claims 1-20 are now pending in the application. Claims 1-10 have been withdrawn from consideration under an election. No new claims have been added. No claims have been amended or cancelled. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claim 11 stands rejected under 35 U.S.C. § 102(e) as being anticipated by Roll et al. (U.S. Pat. No. 6,701,243 B1). Reexamination in view of the following remarks is respectfully requested.

Claim 11 of the present invention is directed to a method for detecting wheel slippage. Claim 11 recites that wheel slippage is determined based on the median filtered output speed when output speed instability is detected. Roll '243 does not disclose this feature.

Roll '243 discloses a method for controlling traction slip of a wheel on a vehicle. The controls 101-108 that are performed in Figure 2 occur *after* there has been a determination that there is slippage of one of the wheels. Specifically, Roll '243 states that "[t]o reach the control state[...] an upper slip or speed threshold on the wheel concerned is exceeded. The threshold may be formed of a large number of input signals, which can be considered as state of the art and, hence, need not be further dealt with." (Column 6, lines 36-43). This predetermination of wheel slip is used throughout the method disclosed in Roll

'243. (See, for example, column 6, lines 44-48, 50-52, 62-65). Therefore, Roll '243 does not disclose *how* wheel slippage is determined but rather uses wheel slippage as a pre-determined factor in the controls 101-108. As such, Roll '243 does not anticipate the present invention.

Claim 11 of the present invention further recites that the method of detecting wheel slippage includes generating a *median* filtered output speed when output speed instability is detected. Roll '243 discloses that engine speed is filtered, but only that the engine speed undergoes "a simple filtering operation with a filter of first order or nth order". (Column 5, lines 14-15). Roll '243 does not disclose using a median filter and as such does not anticipate the present invention.

For the above reasons, Applicant asserts that claim 11 is patentably distinguishable from Roll '243. Claims 12-20 depend from claim 11 and therefore Applicant asserts that claims 12-20 are also patentably distinguishable from Roll '243 for at least the same reasons given for claim 11.

ALLOWABLE SUBJECT MATTER

The Examiner states that claims 12-20 would be allowable if rewritten in independent form. Applicant thanks the Examiner for the allowance of these claims. However, as noted above, Applicant asserts that claim 11 is in condition for allowance. As claims 12-20 ultimately depend from claim 11, Applicant also asserts that claims 12-20 should also be in condition for allowance for at least the same reasons as claim 11.

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CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

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By: 
Raymond J. Vivacqua - Attorney
Reg. No. 45,369
(734)-418-3142